Remarks

The present amendment is in response to the Office Action mailed in the above-referenced case on 06/27/2008. Claims 29-34 are standing for examination.

Claim Rejections - 35 USC § 101

4.   Claims 33-34 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claim 33 recites "Computer program code", claims the non-statutory subject matter under 25 U.S.C 101. Therefore, since the claimed programs are not tangibly embodied in a physical medium and encoded on a computer-readable medium, and Applicant's disclosure has no clear support of what media has been positively disclosed as, then the Applicants has not complied with 35 U.S.C 101. Suggestion to recite claim 33 as follows: "Tangible computer readable media embodied with computer executable instructions for ..."

Claim 34 is rejected because it depends on rejected claim 33.

Applicant's response:

Applicant herein amends claim 33 to recite tangible computer readable media as kindly suggested by the Examiner. Therefore the 101 rejection should be withdrawn as claim 33, as amended, is statutory.

Claim Rejections - 35 USC § 103

5.   Claims 29-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sassin et al. (U.S. Patent. 6,058,435).

Regarding claims 29 and 31, Sassin et al. disclose a method of assigning tasks to agents in a service center based on agent skills required to service individual tasks, comprising:

in response to a task (col. 7, line 20 - *incoming communication)* to be service, determining a skill set that would be best suited for responding to the task (col. 3, lines 33-36; col. 7, lines 25-36 and lines 56-59);

building a skill table of all available agents having skills at least partially matching the determination of skills needed to service the task based upon the skills that they possessed (col. 7, lines 25-35; col. 8, lines 9-22 and lines 47-65 - *where Sassin discussed particularly col. 8, lines 47-49 generating the agents table contains a list of all of the agents of the ACD system);*

determining from the skill table of available agents all agents with best match to service the task (col. 8, line 57 through col. 9, line 14);

selecting an agent to service the task from the agents determined to have the best match to service the task (col. 3, lines 33-36; col. 9, lines 11-14; col. 10, lines 2-5). Sassin does not teach the exact order of steps as recited in claims 29 and 31. However, Sassin discussed having a particular agent handle incoming communications requiring a particular skill (col. 8, line 66 through col. 9, line 27), hence in order to assign an agent to handle a particular incoming communication, the skills required to handle the incoming communication are known ahead of time. Furthermore, there is no suggestion in Sassin that tasks have to be received, skills determined, and the agent table is accessed to determine the best agent, in that order. Again, to have steps in different order and still performing the same functions and without departing from the teachings of the prior art do not rise to the level of patentability.

Claim 33 is rejected for the same reasons as discussed above with respect- 10-claim 1. Furthermore, Sassin et al. teach computer program code embodied in a storage medium for controlling a computer to assign tasks to agents (col. 11, lines 40- 67; col. 13, lines 49-60 - *media converter 106, content analyzer 108, content-based router 110).*

Regarding claims 30, 32, and 34, Sassin et al. teaches selecting an agent to service the task from the agents determined to have the best match to service the task (col. 3, lines 33-36; col. 9, lines 11-14; col. 10, lines 2-5; col. 8, line 66 through col. 9, line 65 - *where Sassin discussed selecting the first agent who is the only agent possesses skill C to handle calls requesting skill A or skill B when there is no transaction requesting skill C).* However, Sassin et al. does not explicitly teach selecting an agent with a minimum qualification level from the agents determined to have the best match to service the task. Selecting an agent with a minimum qualification among the agents is well known in

Automatic Call Distributing Center and the advantage of selecting an agent with a minimum qualification among the agents is also well known. For example, if agent A 1 speaks English and Spanish and agent A2 speaks only Spanish, a task needs to be serviced is Spanish then one would select agent A2 with a minimum qualification level.

Applicant's response:

Applicant herein amends claims 29, 31 and 33 to recite determining from the skill table of available agents all agents <u>qualified</u> to service the task; and selecting an agent <u>least qualified</u> to service the task from the agents <u>determined to be qualified</u> to service the task. Applicant's invention provides a communication routing system wherein when a task for routing is received, the skills required to service the task are determined, an agent table is assembled including only agents having skills required to service the task and an agent is selected having the least amount of skills required. In this manner, not only are tasks routed to a prequalified target of agents without having to evaluate every agent, as in Sassin, but agents are also utilized in an efficient manner so agent skills are not wasted on tasks with low skill requirements.

The Examiner states, "However, Sassin et al. does not explicitly teach selecting an agent with a minimum qualification level from the agents determined to have the best match to service the task. Selecting an agent with a minimum qualification among the agents is well known in Automatic Call Distributing Center and the advantage of selecting an agent with a minimum qualification among the agents is also well known. For example, if agent A 1 speaks English and Spanish and agent A2 speaks only Spanish, a task needs to be serviced is Spanish then one would select agent A2 with a minimum qualification level."

Applicant points out that because the Examiner understands one benefit of applicant's invention does not mean that it is well known in the art. Applicant respectfully requests the Examiner provide a valid reference in the art that actually teaches what the Examiner alleges is well known in the art of Automatic Call Distributing Center.

Additionally an invention, such as Sassin, which addresses a similar purpose as applicant's invention is not *prima facie*, in that Sassin does not teach the actual physical limitations of applicant's claimed apparatus and method. Sassin only teaches accomplishing a similar purpose.

Response to Arguments

6. Applicant's arguments filed *04/18/08* have been fully considered but they are not persuasive.

The 101 rejection of claims 33-34 is maintained. Please see above rejection.

Applicant mainly argues that tasks are received, the skills required are known before the table is generated to facilitate finding the best agent. Sassin does not teach the exact order of steps as recited in claims 29 and 31. However, Sassin discussed having a particular agent handle incoming communications requiring a particular skill (col. 8, line 66 through col. 9, line 27), hence in order to assign an agent to handle a particular incoming communication, the skills required to handle the incoming communication are known ahead of time.

Furthermore, there is no suggestion in Sassin that tasks have to be received, skills determined, and the agent table is accessed to determine the best agent, in that order. Again, to have steps in different order and still performing the same functions and without departing from the teachings of the prior art do not rise to the level of patentability.

Applicant's response:

Applicant argues that the specific order of the limitations of applicant's method claims add a unique efficiency to the known art. Because applicant's invention determines the skills required to service the received communication before creating a skill table of agents having skills that at least match a portion of the skills required to service the communication. In applicant's invention, only a limited number of agents with skills in a qualified pool need to be analyzed and correlated with required skills of

the received communication. In Sassin all agents must be considered and score calculations are done for each agent of the communication center for each received communication to be routed. Applicant points out this is a laborious time consuming and computing resource consuming process compared with applicant's claimed system.

The Examiner states, "Sassin does not teach the exact order of steps as recited in claims 29 and 31. However, Sassin discussed having a particular agent handle incoming communications requiring a particular skill (col. 8, line 66 through col. 9, line 27), hence in order to assign an agent to handle a particular incoming communication, the skills required to handle the incoming communication are known ahead of time." Applicant argues that the Examiner somewhat missed the point of applicant's argument. Applicant argued:

Specifically, as seen in Fig. 3 of Sassin, step 58 generates a skills table of skills possessed by each agent, step 60 generates an agent's table and step 62 generates a résumé-details table. These steps are taught as "set-up" steps prior to routing incoming communications (col. 8, lines 26-54).

Sassin then teaches; "After the three tables have been formed in steps 58, 60 and 62, the skills inventory database 48 of FIG. 2 has the information necessary for skills-based communications routing. This information is accessible by the skills correlation device 44. In step 64, an incoming communication is received at the information distribution system 10 of FIG. 1." (col. 9, lines 23-27)

As clearly seen above the Sassin agent generates tables prior to receiving a communication for routing. Applicant understands that the PTO has upheld basic requirements of anticipation in that it is not enough to require that the disclosure in a single prior art reference disclose all of the claimed elements, rather, as stated by the Federal Circuit, anticipation requires the presence in a single disclosure of each and every element of the claimed invention, <u>arranged as in the recited claim.</u>

Applicant argues that the reasoning for the PTO requiring the art teach applicant's method steps in order of presentation in the claim is particularly evident in the present application. Applicant's invention, as claimed, provides a more efficient beneficial

method of determining a qualified agent to handle a task by preparing a custom qualified agent table to handle a given task, <u>the table including only agents having at least some of the skills required to service a received communication,</u> generated after the communication is received and accessed to determine required skills to service the communication.

The Examiner states, "Furthermore, there is no suggestion in Sassin that tasks have to be received, skills determined, and the agent table is accessed to determine the best agent, in that order. Again, to have steps in different order and still performing the same functions and without departing from the teachings of the prior art do not rise to the level of patentability."

Applicant argues that the specific order claimed in applicant's invention provides a different method and functionality than that taught in Sassin. Applicant points out that without hindsight knowledge of applicant's invention, one would not be motivated, solely relying upon Sassin, to build a skill table of agents having the same skills determined to be best suited for responding to the received task.

Applicant believes claims 29, 31 and 33, as amended and argued above, are easily patentable over the art of Sassin. Claims 30, 32 and 34 are herein cancelled.

Summary

As all of the claims, as amended and argued above, have been shown to be patentable over the art presented by the Examiner, applicant respectfully requests reconsideration and the case be passed quickly to issue.

If any fees are due beyond fees paid with this amendment, authorization is made to deduct those fees from deposit account 50-0534. If any time extension is needed beyond any extension requested with this amendment, such extension is hereby requested.

Respectfully Submitted,
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